

18CV 9731

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
3 WEST 16th STREET, LLC (APPELLANT)

DEFENDANTS
MARIANNE T. O'TOOLE, AS CHAPTER 7 TRUSTEE FOR THE ESTATE OF
STEVEN J. ANCONA (APPELLEE)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
McLAUGHLIN & STERN, LLP
260 MADISON AVENUE, NEW YORK, NEW YORK 10016
TEL.: (212) 448-1100

ATTORNEYS (IF KNOWN)
LaMONICA HERBST & MANISCALCO LLP
3305 JERUSALEM AVENUE, WANTAGH, NEW YORK 11793
TEL.: (516) 826-6500

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal, 28 U.S.C. Sec. 158(a)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[X] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 368 PHARMACEUTICAL PERSONAL	[] SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	REAPPORTIONMENT
[] 150 INSTRUMENT	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL			[] 410 ANTI TRUST
RECOVERY OF	EMPLOYERS'	INJURY PRODUCT			[] 430 BANKS & BANKING
OVERPAYMENT &	LIABILITY	LIABILITY			[] 450 COMMERCE
ENFORCEMENT	[] 340 MARINE	PERSONAL PROPERTY	PROPERTY RIGHTS		[] 460 DEPORTATION
OF JUDGMENT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 820 COPYRIGHTS		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	LIABILITY	[] 371 TRUTH IN LENDING	[] 830 PATENT		ENCED & CORRUPT
[] 152 RECOVERY OF	[] 350 MOTOR VEHICLE		[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ORGANIZATION ACT
DEFAULTED	[] 355 MOTOR VEHICLE		[] 840 TRADEMARK		(RICO)
STUDENT LOANS	PRODUCT LIABILITY			SOCIAL SECURITY	[] 480 CONSUMER CREDIT
(EXCL VETERANS)	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL		[] 861 HIA (1395ff)	[] 490 CABLE/SATELLITE TV
RECOVERY OF	INJURY	PROPERTY DAMAGE	LABOR	[] 862 BLACK LUNG (923)	[] 850 SECURITIES/
OVERPAYMENT	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 863 DMC/DIWW (405(g))	COMMODITIES/
OF VETERAN'S	MED MALPRACTICE	PRODUCT LIABILITY	STANDARDS ACT	[] 864 SSID TITLE XVI	EXCHANGE
BENEFITS			[] 720 LABOR/MGMT	[] 865 RSI (405(g))	
[] 160 STOCKHOLDERS	ACTIONS UNDER STATUTES	PRISONER PETITIONS	RELATIONS		[] 880 OTHER STATUTORY
SUITS	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	FEDERAL TAX SUITS	ACTIONS
[] 190 OTHER	[] 440 OTHER CIVIL RIGHTS	[] 510 MOTIONS TO	[] 751 FAMILY MEDICAL	[] 870 TAXES (U.S. Plaintiff or	[] 891 AGRICULTURAL ACTS
CONTRACT	(Non-Prisoner)	VACATE SENTENCE	LEAVE ACT (FMLA)	Defendant)	
[] 195 CONTRACT		28 USC 2255	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL
PRODUCT		[] 530 HABEAS CORPUS	LITIGATION	26 USC 7609	MATTERS
LIABILITY		[] 535 DEATH PENALTY	[] 791 EMPL RET INC		[] 895 FREEDOM OF
[] 196 FRANCHISE		[] 540 MANDAMUS & OTHER	SECURITY ACT (ERISA)		INFORMATION ACT
			IMMIGRATION		[] 896 ARBITRATION
REAL PROPERTY		PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		[] 899 ADMINISTRATIVE
[] 210 LAND	[] 441 VOTING	[] 550 CIVIL RIGHTS	APPLICATION		PROCEDURE ACT/REVIEW OR
CONDEMNATION	[] 442 EMPLOYMENT	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION		APPEAL OF AGENCY DECISION
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 560 CIVIL DETAINEE	ACTIONS		[] 950 CONSTITUTIONALITY OF
[] 230 RENT LEASE &	ACCOMMODATIONS	CONDITIONS OF CONFINEMENT			STATE STATUTES
EJECTMENT	[] 445 AMERICANS WITH				
[] 240 TORTS TO LAND	DISABILITIES -				
[] 245 TORT PRODUCT	EMPLOYMENT				
LIABILITY	[] 446 AMERICANS WITH				
[] 290 ALL OTHER	DISABILITIES -OTHER				
REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ N/A OTHER N/A

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE: Case not yet pending. Notice of Appeal filed 10/04/2018 in S.D.N.Y. Bankr.
Case No. 14-10532-mkv (judge / docket number not yet assigned).

JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION
☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

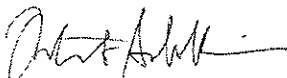
COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 10/04/2018 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO
☒ YES (DATE ADMITTED Mo. 09 Yr. 2005)
 Attorney Bar Code # MS7903

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)